IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.267 OF 2007
IN
CRIMINAL APPEAL NO.268 OF 2007
IN
CRIMINAL COMPLAINT NO.962/SS/2005

1.M/s.Excellent Metal Industries,
2.Mr.Shobraj Sharma, &
3.Mr.Shravan Shobraj Sharma. ...Petitioners.
[orig.accused]

Versus

1.M/s.Kalpataru Aluminiums Pvt.Ltd.,&
2.The State of Maharashtra. ...Respondents.

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Mr.Sanjay Bhatia, Advocate for the Petitioners.
Mr.Sandeep Volkar, Adv. for Respondent No.1.
Mrs.A.S.Pai, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 25th June, 2007.

P.C.:

1. Heard the learned Advocate for the petitioners-orig.accused, the learned Advocate for respondent No.1-orig.complainant and the learned APP for the State.

2. The petitioners have been convicted under Section 138 of N.I.Act by the learned Special Metropolitan Magistrate, Small Causes Court, Mumbai in CC No.962/SS/2005 By the said judgment and order,

the petitioners were directed to pay fine of Rs.1,50,000/-. The learned Magistrate directed that out of the fine amount of Rs.1,50,000/-, Rs.25,000/- be paid to the complainant as compensation. Being aggrieved by the judgment and order of the learned Magistrate, the petitioners preferred Criminal Appeal No.268 of 2007 before the Court of Sessions for Greater Bombay. While admitting the Appeal and when bail was granted to the petitioners, the learned Sessions Judge directed the petitioners to deposit an amount of Rs.1,50,000/-. The petitioners are now seeking reduction of the said amount of Rs.1,50,000/-.

3. The learned Advocate for respondent No.1-orig.complainant on instructions states that if the complainant is allowed to withdraw the amount of Rs.25,000/- which will be deposited by the petitioners, there is no objection to the amount of Rs.1,50,000/- being reduced.

4. In view of this statement, the amount of Rs.1,50,000/- is reduced to Rs.30,000/-. The petitioners are granted four weeks time to deposit the said amount before the Sessions Court. On the

amount of Rs.30,000/- being deposited, the complainant is permitted to withdraw the amount of Rs.25,000/- subject to necessary undertaking. The petitioners are also granted four weeks time to execute the bonds as directed by the Sessions Court. On Rs.30,000/- being deposited by the petitioners, the learned Sessions Judge shall dispose of the Appeal in accordance with law.

5. Revision Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)